# **EXHIBIT A**

### BERNARD L. MADOFF INVESTMENT SECURITIES LLC

In Liquidation

### **DECEMBER 11, 2008**<sup>1</sup>

#### NOTICE OF TRUSTEE'S DETERMINATION OF CLAIM

October 19, 2009

SRF Partners c/o Weiser LLP Attn: Andrew Cohen

Dear SRF Partners:

#### PLEASE READ THIS NOTICE CAREFULLY.

The liquidation of the business of BERNARD L. MADOFF INVESTMENT SECURITIES LLC ("BLMIS") is being conducted by Irving H. Picard, Trustee under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq. ("SIPA"), pursuant to an order entered on December 15, 2008 by the United States District Court for the Southern District of New York.

The Trustee has made the following determination regarding your claim on BLMIS Account No. 1R0098 designated as Claim Number 011080:

Your claim for securities is **DENIED**. No securities were ever purchased for your account.

Further, based on the Trustee's analysis, the amount of money you withdrew from your account at BLMIS (total of \$2,083,024.00), as more fully set forth in Table 1 annexed hereto and made a part hereof, is greater than the amount that was deposited with BLMIS for the purchase of securities (total of \$1,600,000.00). As noted, no securities were ever purchased by BLMIS for your account. Any and all profits reported to you by BLMIS on account statements were fictitious.

<sup>1</sup> Section 78*lll*(7)(B) of SIPA states that the filing date is "the date on which an application for a protective decree is filed under 78eee(a)(3)," except where the debtor is the subject of a proceeding pending before a United States court "in which a receiver, trustee, or liquidator for such debtor has been appointed and such proceeding was commenced before the date on which such application was filed, the term 'filing date' means the date on which such proceeding was commenced." Section 78*lll*(7)(B). Thus, even though the Application for a protective decree was filed on December 15, 2008, the Filing Date in this action is on December 11, 2008.

Since there were no profits to use either to purchase securities or to pay you any money beyond the amount that was deposited into your BLMIS account, the amount of money you received in excess of the deposits in your account (\$483,024.00) was taken from other customers and given to you. Accordingly, because you have withdrawn more than was deposited into your account, you do not have a positive "net equity" in your account and you are not entitled to an allowed claim in the BLMIS liquidation proceeding. Therefore, your claim is **DENIED** in its entirety.

Should a final and unappealable court order determine that the Trustee is incorrect in his interpretation of "net equity" and its corresponding application to the determination of customer claims, the Trustee will be bound by that order and will apply it retroactively to all previously determined customer claims in accordance with the Court's order. Nothing in this Notice of Trustee's Determination of Claim shall be construed as a waiver of any rights or claims held by you in having your customer claim re-determined in accordance with any such Court order.

Nothing in this Notice of Trustee's Determination of Claim shall be construed as a waiver of any rights or claims held by the Trustee against you.

PLEASE TAKE NOTICE: If you disagree with this determination and desire a hearing before Bankruptcy Judge Burton R. Lifland, you <u>MUST</u> file your written opposition, setting forth the grounds for your disagreement, referencing Bankruptcy Case No. 08-1789 (BRL) and attaching copies of any documents in support of your position, with the United States Bankruptcy Court and the Trustee within THIRTY DAYS after October 19, 2009, the date on which the Trustee mailed this notice.

**PLEASE TAKE FURTHER NOTICE:** If you do not properly and timely file a written opposition, the Trustee's determination with respect to your claim will be deemed confirmed by the Court and binding on you.

**PLEASE TAKE FURTHER NOTICE:** If you properly and timely file a written opposition, a hearing date for this controversy will be obtained by the Trustee and you will be notified of that hearing date. Your failure to appear personally or through counsel at such hearing will result in the Trustee's determination with respect to your claim being confirmed by the Court and binding on you.

**PLEASE TAKE FURTHER NOTICE:** You must mail your opposition, if any, in accordance with the above procedure, to each of the following addresses:

Clerk of the United States Bankruptcy Court for the Southern District of New York One Bowling Green New York, New York 10004

and

Irving H. Picard, Trustee c/o Baker & Hostetler LLP 45 Rockefeller Plaza

New York, New York, 101

Irving H. Picard

Trustee for the Liquidation of the Business of Bernard L. Madoff Investment Securities LLC

cc: Carole Neville
Sonnenschein Nath & Rosenthal LLP
1221 Avenue of the Americas
25<sup>th</sup> Floor
New York, New York 10020

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	DEPOSTUS	
DATE	TRANSACTION DESCRIPTION	AMOUNT
12/5/1994	CHECK	\$500,000.00
7/18/1996	CHECK	\$500,000.00
9/12/1997	CHECK	\$500,000.00
2/3/2004	CHECK	\$100,000.00
Total Deposits:		\$1,600,000.00
	WITHDRVAWIALS	
DATE	TRANSACTION DESCRIPTION	AMOUNT
DATE 1/7/2002	TRANSACTION	AMOUNT (\$126,620.00)
1/7/2002	TRANSACTION DESCRIPTION	
	TRANSACTION DESCRIPTION CHECK	(\$126,620.00)
1/7/2002 1/7/2002	TRANSACTION DESCRIPTION CHECK CHECK	(\$126,620.00) (\$360,380.00)

## **EXHIBIT B**



### **CUSTOMER CLAIM**

Claim Number RECEIVED

Date Received JUN 2 5 2009

### BERNARD L. MADOFF INVESTMENT SECURITIES LLC

In Liquidation

### **DECEMBER 11, 2008**

Irving H. Picard, Esq. Trustee for Bernard L. Madoff Investment Securities LLC Claims Processing Center 2100 McKinney Ave., Suite 800 Dallas, TX 75201	Provide your office and home telephone no.  OFFICE: (212) 768-6889
Account Number: 1-R0098-3 & 1-R0098-4	Taxpayer I.D. Number (Social Security No.)

SRF Partners c/o Weiser LLP Attn: Andrew Cohen

(If incorrect, please change)

NOTE: BEFORE COMPLETING THIS CLAIM FORM, BE SURE TO READ CAREFULLY THE ACCOMPANYING INSTRUCTION SHEET. A SEPARATE CLAIM FORM SHOULD BE FILED FOR EACH ACCOUNT AND, TO RECEIVE THE FULL PROTECTION AFFORDED UNDER SIPA, ALL CUSTOMER CLAIMS MUST BE RECEIVED BY THE TRUSTEE ON OR BEFORE March 4, 2009. CLAIMS RECEIVED AFTER THAT DATE, BUT ON OR BEFORE July 2, 2009, WILL BE SUBJECT TO DELAYED PROCESSING AND TO BEING SATISFIED ON TERMS LESS FAVORABLE TO THE CLAIMANT. PLEASE SEND YOUR CLAIM FORM BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED.

Claim for money balances as of **December 11, 2008\_:** a. The Broker owes me a Credit (Cr.) Balance of \$\_\_\_\_\_

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b. I owe the Broker a Debit (Dr.) Balance of

¢		
Ψ		

C.	If you wish to repay the Debit Balance,		
	please insert the amount you wish to repay	and	
	attach a check payable to "Irving H. Picard,	Esq.,	
	Trustee for Bernard L. Madoff Investment Se	ecurities LLC."	
	If you wish to make a payment, it must be	enclosed	
	with this claim form.	\$	w
d.	If balance is zero, insert "None."	NONE	
2. CI	aim for securities as of December 11, 2008:		
PLEASE DO	NOT CLAIM ANY SECURITIES YOU HAVE IN	YOUR POSSESSI	ON.
	-	YES	NO
ć	a. The Broker owes me securities	<u> </u>	
į	b. I owe the Broker securities		<b>✓</b>
•	c. If yes to either, please list below:		
		Number <b>of</b> <u>Face Amoun</u>	
Date of Transaction (trade date)		The Broker Owes Me (Long)	I Owe the Broker (Short)
SEE STATE	EMENT DATED NOVEMBER 30, 2008		
,		-	
***************************************			***************************************

Proper documentation can speed the review, allowance and satisfaction of your claim and shorten the time required to deliver your securities and cash to you. Please enclose, if possible, copies of your last account statement and purchase or sale confirmations and checks which relate to the securities or cash you claim, and any other documentation, such as correspondence, which you believe will be of assistance in processing your claim. In particular, you should provide all documentation (such as cancelled checks, receipts from the Debtor, proof of wire transfers, etc.) of your deposits of cash or securities with the Debtor from as far back as you have documentation. You should also provide all documentation or

information regarding any withdrawals you have ever made or payments received from the Debtor.

Please explain any differences between the securities or cash claimed and the cash balance and securities positions on your last account statement. If, at any time, you complained in writing about the handling of your account to any person or entity or regulatory authority, and the complaint relates to the cash and/or securities that you are now seeking, please be sure to provide with your claim copies of the complaint and all related correspondence, as well as copies of any replies that you received.

PLEASE CHECK THE APPROPRIATE ANSWER FOR ITEMS 3 THROUGH 9.

NOTE: IF "YES" IS MARKED ON ANY ITEM, PROVIDE A DETAILED EXPLANATION ON A SIGNED ATTACHMENT. IF SUFFICIENT DETAILS ARE NOT PROVIDED, THIS CLAIM FORM WILL BE RETURNED FOR YOUR COMPLETION.

		YES	<u>NO</u>
3.	Has there been any change in your account since December 11, 2008? If so, please explain.	/	
4.	Are you or were you a director, officer, partner, shareholder, lender to or capital contributor of the broker?	magazining di digital di salah	
5.	Are or were you a person who, directly or indirectly and through agreement or otherwise, exercised or had the power to exercise a controlling influence over the management or policies of the broker?		
6.	Are you related to, or do you have any business venture with, any of the persons specified in "4" above, or any employee or other person associated in any way with the broker? If so, give name(s)		
7.	Is this claim being filed by or on behalf of a broker or dealer or a bank? If so, provide documentation with respect to each public customer on whose behalf you are claiming.		
8.	Have you ever given any discretionary authority to any person to execute securities transactions with or through the broker on your behalf? Give names, addresses and phone numbers.		<b>√</b>

Have you or any member of your family ever filed a claim under the Securities Investor Protection Act of 1970? if so, give name of that broker.

Please list the full name and address of anyone assisting you in the preparation of this claim form: Carole Neville, Sonnenschein Nath & Rosenthal LLP, 1221 Avenue of the Americas, 25<sup>th</sup> Floor, New York, NY 10020.

If you cannot compute the amount of your claim, you may file an estimated claim. In that case, please indicate your claim is an estimated claim.

IT IS A VIOLATION OF FEDERAL LAW TO FILE A FRAUDULENT CLAIM. CONVICTION CAN RESULT IN A FINE OF NOT MORE THAN \$50,000 OR IMPRISONMENT FOR NOT MORE THAN FIVE YEARS OR BOTH.

THE FOREGOING CLAIM IS TRUE AND ACCURATE TO THE BEST OF MY INFORMATION AND BELIEF.  $\star$ 

Date	6/13/09	Signature	MI Much, Partner
Date		Signature	

(If ownership of the account is shared, all must sign above. Give each owner's name, address, phone number, and extent of ownership on a signed separate sheet. If other than a personal account, e.g., corporate, trustee, custodian, etc., also state your capacity and authority. Please supply the trust agreement or other proof of authority.)

This customer claim form must be completed and mailed promptly, together with supporting documentation, etc. to:

Irving H. Picard, Esq.,
Trustee for Bernard L. Madoff Investment Securities LLC
Claims Processing Center
2100 McKinney Ave., Suite 800
Dallas, TX 75201

<sup>\*</sup> This form includes and incorporates in full the attached Addendum. Customer reserves the right to amend the claim for any purpose, including without limitation, to add interest, costs and other losses associated with this account.

08-01789-cgm Doc 892-1 Filed 11/18/09 Entered 11/18/09 13:04:47 Exhibits Pg 11 of 18

### **ADDENDUM**

Customer: SRF

SRF Partners

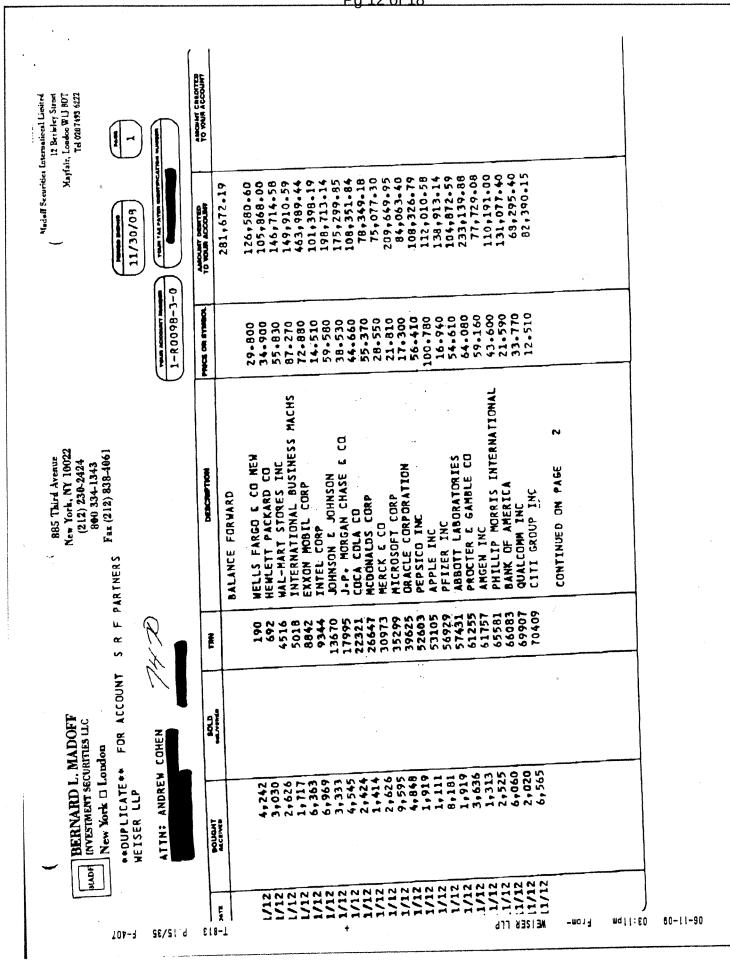
Address: c/o Weiser LLP

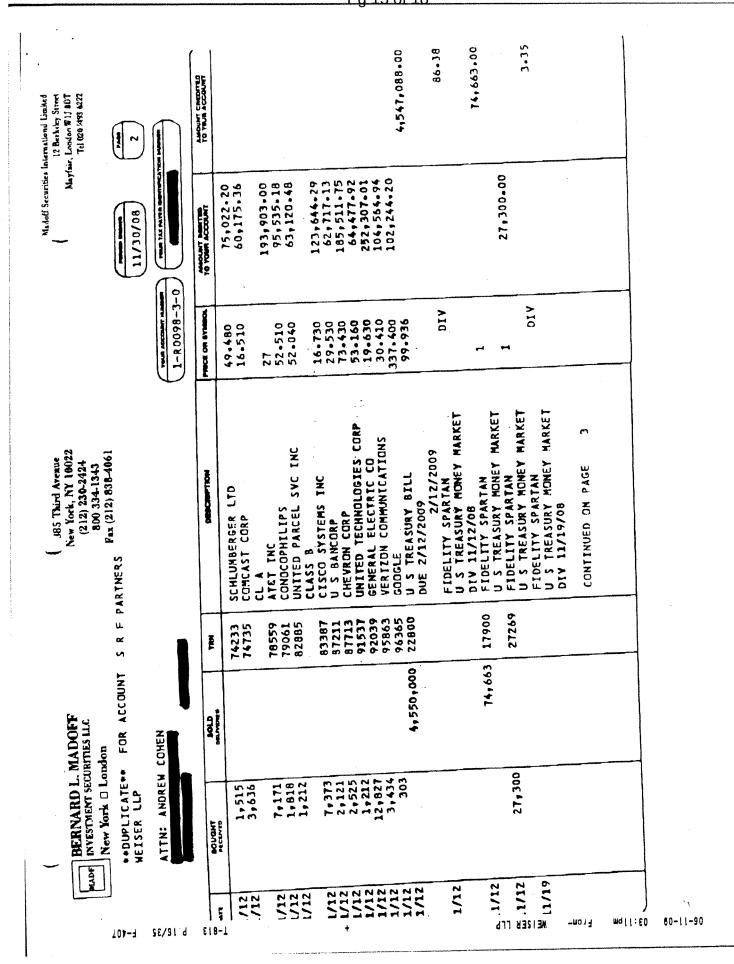
Attn: Andrew Cohen

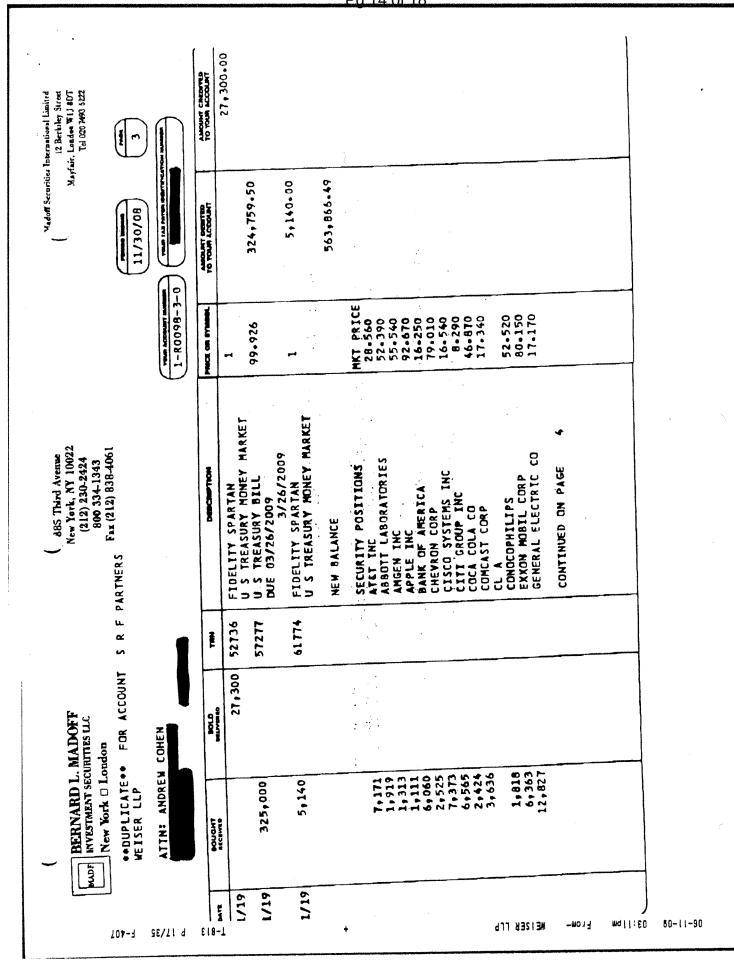
Account #: 1-R0098-3

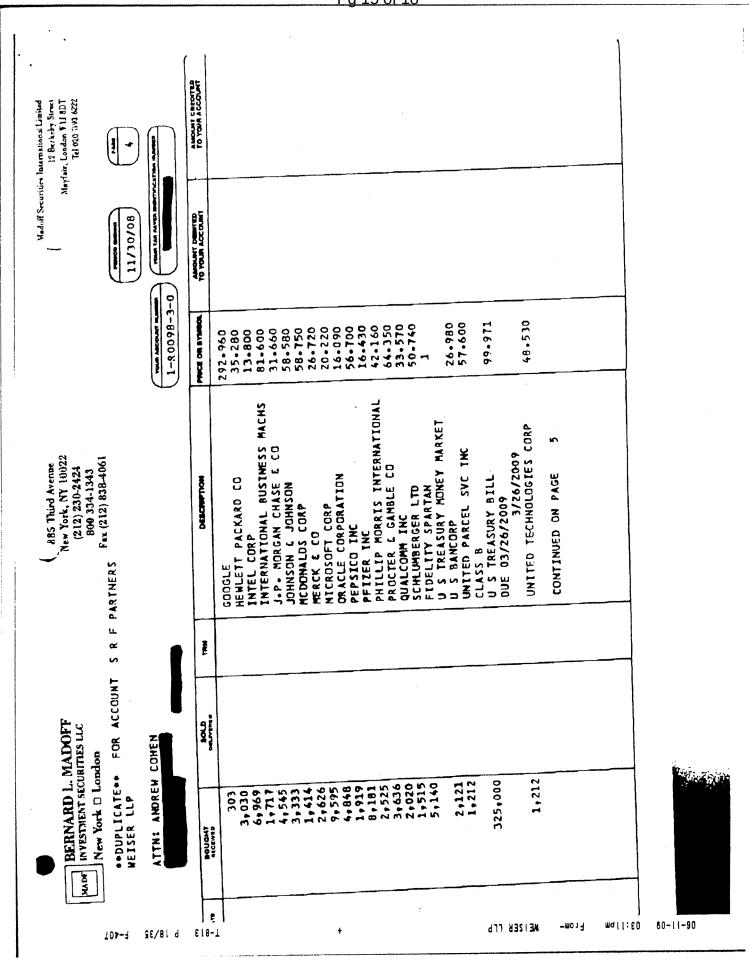
1-R0098-4

November 30, 2008 Statement - Closing balance net equity \$4,711,253.04









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